

REMARKS

Claims 3, 4, 6-41 and 68-73 are pending herein. Claims 14-41 have been allowed.

Claim 10 has been amended as supported by Fig. 28 of the present application, for example.

Attached hereto as page 5, pursuant to Rule 1.121(c)(1)(ii), is a marked-up version of amended claim 10.

Examiner Budd is thanked for courtesies extended to Applicants' representative during a telephonic interview on March 13, 2003. During the interview, Examiner Budd tentatively agreed that claim 10 amended as submitted above defines patentable subject matter over Riedel (discussed below).

1. Claims 3, 4, 6-8, 10-13 and 68-73 were rejected under §103(a) over Brunée in view of Riedel.

With respect to pending independent claim 10, as discussed above, Examiner Budd tentatively agreed that amending claim 10 to include the recitation that the electrode terminals are arranged substantially co-planar with respect to one another would overcome the art-based rejection of record. Specifically, Examiner Budd agreed that Fig. 2 of Riedel shows that electrode terminals 14 and 20 are terminated on different surfaces in planes that are parallel with respect to one another, but not co-planar, as claimed.

With respect to pending independent claim 8, that claim recites that "one or more holes or recesses are formed in at least a portion of said thin plate sections on which said piezoelectric/electrostrictive element is formed." In other words, the holes or recesses are formed in the portion of the thin plate sections that are covered by the P/E element. The current Office Action did not address the above argument with respect to claim 8. With reference to Fig. 3 of Brunée, it is respectfully submitted that screw holes 29 and carrier plates 27 and 28 do not, and cannot for that matter, correspond to the claimed "holes or

recesses" formed in the thin plate sections because it is clear from Brunée's drawings that screw holes 29 are not formed in a portion of carrier plates 27 and 28 "*on which* said piezoelectric/electrostrictive element is formed," as is recited in claim 8.

In view of the foregoing, reconsideration and withdrawal of the rejection of claim 8 under §103(a) over Brunée in view of Riedel are respectfully requested.

Examiner Budd is requested to confirm receipt and consideration of the Information Disclosure Statement filed December 12, 2002.

If Examiner Budd believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

SPB/SC/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

10. (Thrice Amended) A piezoelectric/electrostrictive device comprising a pair of mutually opposing thin plate sections made of metal and a fixation section for supporting said thin plate sections, and including an actuator section with a stacked type piezoelectric/electrostrictive element fixed on at least one of said thin plate sections by the aid of an adhesive, said stacked type piezoelectric/electrostrictive element comprising a plurality of piezoelectric/electrostrictive layers and electrode films, wherein said electrode films contact upper and lower surfaces of respective piezoelectric/electrostrictive layers and alternately extend to opposite end surfaces thereof, and end surface electrodes electrically connect an electrode film that contacts one of said piezoelectric/electrostrictive layers and an electrode film that contacts another one of said piezoelectric/electrostrictive layers, said end surface electrodes being formed on respective outer side surfaces of said actuator section and being electrically connected to terminals which are provided on a surface of an outermost layer of said piezoelectric/electrostrictive layers and arranged substantially co-planar with respect to one another, said terminals being which are separated from one another by a predetermined distance.

VERSION WITH MARKINGS TO SHOW CHANGES MADE
Amended claim 10